

U.S. Department of Justice

**MEMO ENDORSED**

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

August 22, 2008

BY FAX

The Honorable Gerard E. Lynch
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Room 2270
New York, New York 10007
(212) 805-0436

Rc: United States v. Ihab Tartir, et al.,
07 Cr. 1065 (GEL)

Dear Judge Lynch:

The Government writes to update the Court on the status of this case and to respectfully request, with the consent of both defendants who remain in the case, an adjournment of three business days of the time within which the Government must file its notice to the defendants of Rule 404(b) material. Under the Court's scheduling order in this case, this deadline is set for September 5, 2008.

Three of the five defendants in this case have pled guilty (Mostafa Dyab, Yolanda Cruz, and Yanitza Valle). The two remaining defendants, Ihab Tartir and Mohamed Emam, are expected to go to trial on September 29, 2008.

The Government has produced a substantial amount of potential Rule 404(b) material in discovery and has had discussions with both defense counsel about that material. Because of Government counsel's vacation schedule, more time is needed to complete its analysis.

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of what additional Rule 404(b) material there may be. For this reason, the Government requests that it be given until September 10, 2008 to provide its Rule 404(b) notice to defense counsel.]
JMK

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By: D B
David B. Massey
Assistant U.S. Attorney
(212) 637-2283

cc: Martin L. Schmukler, Esq. (Counsel for Tartir)
Michael Hurwitz, Esq. (Counsel for Emam)

*SO ORDERED
Gerard E. Lynch
GERARD E. LYNCH, U.S.D.J.
8/25/08